

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JONATHAN MIMUN (A/K/A
JONATHAN MAYMON)
and RONN BENHARAV,

Defendants.

Case No. 2:21-cv-01314-ART-MDC

**FINAL JUDGMENT AS TO
DEFENDANTS MIMUN AND
BENHARAV**

1 The Securities and Exchange Commission (“SEC”) has filed a Complaint
2 against Defendants Jonathan Mimun (“Mimun”) and Ronn BenHarav (“BenHarav”).
3 Mimun and BenHarav failed to appear or otherwise respond to the Complaint and
4 the Clerk entered an order of default against them on September 9, 2022. ECF No.
5 17. The SEC filed a Motion for Entry of Default Judgment against each Defendant,
6 ECF No. 18, who did not oppose the motion or otherwise respond.

7 Having reviewed the SEC’s Motion for Entry of Default Judgment, and being
8 duly advised, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the
9 SEC’s Motion for Entry of Default Judgment against Mimun and BenHarav is
10 GRANTED.

11 **I.**

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants
13 Mimun and BenHarav are permanently restrained and enjoined from violating,
14 directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the
15 “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17
16 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce,
17 or of the mails, or of any facility of any national securities exchange, in connection
18 with the purchase or sale of any security:

- 19 (a) to employ any device, scheme, or artifice to defraud;
20 (b) to make any untrue statement of a material fact or to omit to state a
21 material fact necessary in order to make the statements made, in the
22 light of the circumstances under which they were made, not misleading;
23 or
24 (c) to engage in any act, practice, or course of business which operates or
25 would operate as a fraud or deceit upon any person.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
27 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
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1 binds the following who receive actual notice of this Final Judgment by personal
2 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
3 and attorneys; and (b) other persons in active concert or participation with either
4 Defendant or with anyone described in (a).

5 **II.**

6 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
7 Defendants Mimun and BenHarav are permanently restrained and enjoined from
8 violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15
9 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or
10 instruments of transportation or communication in interstate commerce or by use of
11 the mails, directly or indirectly:

12 (a) to employ any device, scheme, or artifice to defraud;

13 (b) to obtain money or property by means of any untrue statement of a
14 material fact or any omission of a material fact necessary in order to
15 make the statements made, in light of the circumstances under which
16 they were made, not misleading; or

17 (c) to engage in any transaction, practice, or course of business which
18 operates or would operate as a fraud or deceit upon the purchaser.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
20 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
21 binds the following who receive actual notice of this Final Judgment by personal
22 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
23 and attorneys; and (b) other persons in active concert or participation with either
24 Defendant or with anyone described in (a).

25 **III.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
27 Defendants Mimun and BenHarav are permanently restrained and enjoined from
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1 violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly,
2 in the absence of any applicable exemption:

- 3 (a) Unless a registration statement is in effect as to a security, making use
4 of any means or instruments of transportation or communication in
5 interstate commerce or of the mails to sell such security through the use
6 or medium of any prospectus or otherwise;
- 7 (b) Unless a registration statement is in effect as to a security, carrying or
8 causing to be carried through the mails or in interstate commerce, by
9 any means or instruments of transportation, any such security for the
10 purpose of sale or for delivery after sale; or
- 11 (c) Making use of any means or instruments of transportation or
12 communication in interstate commerce or of the mails to offer to sell or
13 offer to buy through the use or medium of any prospectus or otherwise
14 any security, unless a registration statement has been filed with the
15 Commission as to such security, or while the registration statement is
16 the subject of a refusal order or stop order or (prior to the effective date
17 of the registration statement) any public proceeding or examination
18 under Section 8 of the Securities Act [15 U.S.C. § 77h].

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
20 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
21 binds the following who receive actual notice of this Final Judgment by personal
22 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
23 and attorneys; and (b) other persons in active concert or participation with either
24 Defendant or with anyone described in (a).

25 **IV.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
27 Defendants Mimun and BenHarav are permanently restrained and enjoined from,
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1 directly or indirectly, controlling any broker or dealer which is either a person other
2 than a natural person or a natural person not associated with a broker or dealer which
3 is a person other than a natural person (other than such a broker or dealer whose
4 business is exclusively intrastate and who does not make use of any facility of a
5 national securities exchange) who violates Section 15(a)(1) of the Exchange Act [15
6 U.S.C. § 78o(a)] by making use of the mails or any means or instrumentality of
7 interstate commerce to effect any transactions in, or to induce or attempt to induce
8 the purchase or sale of, any security (other than an exempted security or commercial
9 paper, bankers' acceptances, or commercial bills) without being registered in
10 accordance with Section 15(a)(1) [15 U.S.C. §78o(b)], unless Defendant acts in good
11 faith and does not directly or indirectly induce the act or acts constituting the
12 violation.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
14 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
15 binds the following who receive actual notice of this Final Judgment by personal
16 service or otherwise: (a) either Defendant's officers, agents, servants, employees,
17 and attorneys; and (b) other persons in active concert or participation with either
18 Defendant or with anyone described in (a).

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
20 Defendants Mimun and BenHarav are permanently restrained and enjoined from
21 aiding and abetting any violation of Section 15(a)(1) of the Exchange Act [15 U.S.C.
22 § 78o(a)] by knowingly or recklessly providing substantial assistance to any broker
23 or dealer which is either a person other than a natural person or a natural person not
24 associated with a broker or dealer which is a person other than a natural person (other
25 than such a broker or dealer whose business is exclusively intrastate and who does
26 not make use of any facility of a national securities exchange) who violates Section
27 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)] by making use of the mails or
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any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) without being registered in accordance with Section 15(a)(1) [15 U.S.C. §78o(b)].

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) either Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with either Defendant or with anyone described in (a).

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Mimun and BenHarav are jointly and severally liable for disgorgement of \$25,777,909.10, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$7,324,621.53, and that Mimun is liable for a civil penalty in the amount of \$12,888,954.00 pursuant to Section 20 of the Securities Act § [15 U.S.C § 77t(d)(2)(C)] and Section 21 of the Exchange Act [15 U.S.C. §78u(d)(3)(B)(iii)], and that BenHarav is liable for a civil penalty in the amount of \$12,888,954.00 pursuant to Section 20 of the Securities Act [15 U.S.C. § 77t(d)(2)(C)] and Section 21 of the Exchange Act [15 U.S.C. §78u(d)(3)(B)(iii)]. Defendants shall satisfy these obligations by paying these amounts to the Securities and Exchange Commission within 30 days.

Defendants may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendants may also pay by certified

1 check, bank cashier's check, or United States postal money order payable to
2 the Securities and Exchange Commission, which shall be delivered or mailed to:

3 Enterprise Services Center
4 Accounts Receivable Branch
5 6500 South MacArthur Boulevard
6 Oklahoma City, OK 73169

7 and shall be accompanied by a letter identifying the case title, civil action number,
8 and name of this Court; Defendants' names as defendants in this action; and
9 specifying that payment is made pursuant to this Final Judgment.

10 Defendants shall simultaneously transmit photocopies of evidence of payment
11 and case identifying information to the Commission's counsel in this action. By
12 making this payment, Defendants relinquish all legal and equitable right, title, and
13 interest in such funds and no part of the funds shall be returned to Defendants.

14 The Commission may enforce the Court's judgment for disgorgement and
15 prejudgment interest by using all collection procedures authorized by law, including,
16 but not limited to, moving for civil contempt at any time after 30 days following
17 entry of this Final Judgment.

18 The Commission may enforce the Court's judgment for penalties by the use
19 of all collection procedures authorized by law, including the Federal Debt Collection
20 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the
21 violation of any Court orders issued in this action. Defendants shall pay post
22 judgment interest on any amounts due after 30 days of the entry of this Final
23 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,
24 together with any interest and income earned thereon (collectively, the "Fund"),
25 pending further order of the Court.

26 The Commission may propose a plan to distribute the Fund subject to the
27 Court's approval. Such a plan may provide that the Fund shall be distributed
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1 other judgment, order, consent order, decree or settlement agreement entered in
2 connection with this proceeding, is a debt for the violation by each Defendant of the
3 federal securities laws or any regulation or order issued under such laws, as set forth
4 in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

5 **VII.**

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
7 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
8 Final Judgment.

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10 Dated: March 29, 2024



UNITED STATES DISTRICT JUDGE